

## **REMARKS**

### **I. Status of Claims**

With entry of this amendment, claims 13-15, 20-26, and 30-37 are pending. Claims 20, 26, 34, and 35 have been amended herein. Those amendments are supported in the original application, as filed, and do not add new matter.

### **II. Claim Rejections**

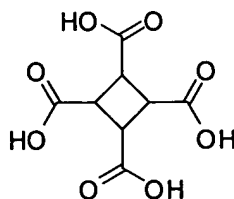
#### **A. Claim Rejections Under 35 U.S.C. § 112**

The Examiner has rejected the limitation "R<sub>1</sub> is hydrogen" in claim 35 because allegedly there is no antecedent basis for this limitation. Specifically the Examiner states that claim 20 does not provide for R<sub>1</sub> being hydrogen. Office Action at 3. With the amendments to the claims, Applicants believe the rejection is moot and request that it be withdrawn.

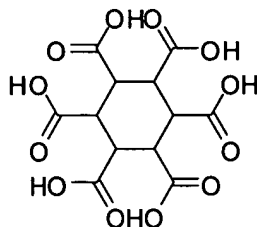
#### **B. Claim Rejections Under 35 U.S.C. § 102(b)**

The Office has rejected claims 20, 13, 14, 21, 22, and 26, under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,042,986 to Kitchens et al. ("Kitchens"). The Office also has rejected claims 20-22, 25, 26, and 31, under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 3,920,837 to Schmidt-Dunker et al. ("Schmidt-Dunker"). Applicants respectfully disagree and traverse the rejections.

U.S. Patent No. 5,042,986 to Kitchens et al. allegedly describes *trans*-1,2,3,4-cyclobutanetetracarboxylic acid, shown below.



U.S. Patent No. 3,920,837 to Schmidt-Dunker et al. allegedly describes cyclohexane-1,2,3,4,5,6-hexacarboxylic acid and water-soluble salts thereof (i.e., oligomers consisting of 3 units derived from fumaric acid and water-soluble salts thereof), shown below.



Applicants respectfully submit that the pending claims are not anticipated by either of those references. None of the pending claims encompass compounds wherein  $n$  is 2 or 3,  $R_1$  and  $R_2$  are hydroxyl. Applicants request that the rejection be withdrawn.

**C. Claim Rejections Under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 13, 15, 24, 32, and 33, under 35 U.S.C. § 103(a) as allegedly being unpatentable over Schmidt-Dunker. Office Action at 4. Applicants respectfully disagree and traverse the rejection.

As noted above, Schmidt-Dunker allegedly describes cyclohexane-1,2,3,4,5,6-hexacarboxylic acid and water-soluble salts thereof (i.e., oligomers consisting of 3 units derived from fumaric acid and water-soluble salts thereof). The reference does not teach or fairly suggest the compounds claimed herein. Rather, it only describes cyclohexane-1,2,3,4,5,6-hexacarboxylic acid and water-soluble salts and does not mention esters or amides, as claimed herein. Moreover, the reference is silent as to the geometry of the carboxylic acid groups. In contrast, claims 13 and 15 indicate that the substituents on the ring are trans. Finally, the reference describes the preparation of mouthwashes, toothpastes, and other oral hygiene products rather than the pharmaceutical preparations claimed herein.

For at least those reasons, Applicants respectfully maintain that the pending claims would not be obvious over Schmidt-Dunker. Applicants request that the rejection be withdrawn.

**III. Conclusion**

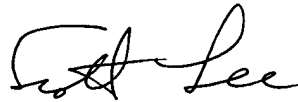
In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 10, 2008

By:   
\_\_\_\_\_  
Scott M.K. Lee, Reg. No. 59,574, for  
Lauren L. Stevens  
Reg. No. 36,691  
  
Tel: (650) 849-6614  
Email: lauren.stevens@finnegan.com